



AMENDMENT OF RESTRICTIVE COVENANT
FOR
ZONING CASE NO. C14-95-0183

Owner Austin Ly and Nguyen, L P , a Texas limited partnership

Address 8115 Altoga Drive, Austin, Texas 78724

City The City of Austin, a home-rule city, municipal corporation and political subdivision of the State of Texas, in Travis County, Texas

City Council The City Council of the City of Austin

Consideration Ten and No/100 Dollars (\$10.00) and other good and valuable consideration paid by the Owner to the City of Austin, the receipt and sufficiency of which is acknowledged

WHEREAS, Ridge Investors Limited, a Texas limited partnership, as owner of all that certain property described in Zoning File No C14-95-0183, consisting of approximately 130 acres of land (the "Original Property"), as more particularly described in the restrictive covenant recorded in the Real Property Records of Travis County, Texas, in Volume 12791, Page 739. (the "Restrictive Covenant") imposed certain restrictions and covenants on the Original Property by the Restrictive Covenant of record

WHEREAS, the Restrictive Covenant provided that the covenant could be modified, amended, or terminated by joint action of both (a) a majority of the members of the City Council, and (b) the Owner of the property at the time of such modification, amendment or termination

WHEREAS, Austin Ly and Nguyen, L P , a Texas limited partnership, is the current owner (the "Owner") of approximately 18.9 acres of the property being more particularly described by metes and bounds in Exhibit "A" incorporated into this covenant (the "Property") on the date of this Amendment of Restrictive Covenant (the "Amendment") and desires to amend the Restrictive Covenant only as to the Property

WHEREAS, the Original Property was subject to recommendations contained in a memorandum ("Memorandum") dated September 16, 1996, from the Transportation Review Section of the Department of Review and Inspection (now known as the Watershed Protection and Development Review Department), and made a part of the Restrictive Covenant

WHEREAS, the Owner desires to amend a part of the Memorandum as it affects its Property

WHEREAS, the City Council and the Owner agree the Restrictive Covenant should be amended

11-8-07 # 109

NOW, THEREFORE, for and in consideration of the premises and mutual promises, covenants, and agreement hereinafter set forth, the City of Austin and the Owner agree as follows

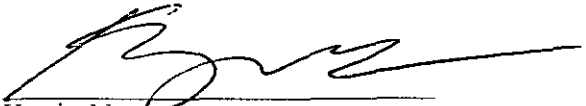
- 1 The Property is not subject to the recommendations under Paragraph No 3, Sections A, F, and G of the Memorandum dated September 16, 1996.
- 2 Except as expressly provided for in this Amendment, each and every one of the terms, conditions, and provisions of the Restrictive Covenant, as set forth in the Restrictive Covenant, shall continue in full force and effect on and after the effective date of this Amendment
- 3 The City Manager, or her designee, shall execute, on behalf of the City, this Amendment of Restrictive Covenant for Zoning File No C14-95-0183, as authorized by the City Council of the City of Austin. The Amendment of Restrictive Covenant shall be filed in the Official Public Records of Travis County, Texas.

EXECUTED to be effective the 19th day of November, 2007


OWNER:

**Austin Ly and Nguyen L.P.,
a Texas limited partnership**

By Ly and Nguyen Partners, LLC,
a Texas limited liability company
its General Partner

By 
Kevin Nguyen,
its Authorized Agent

CITY OF AUSTIN:

By 
Laura J. Huffman,
Assistant City Manager,
City of Austin

THE STATE OF TEXAS

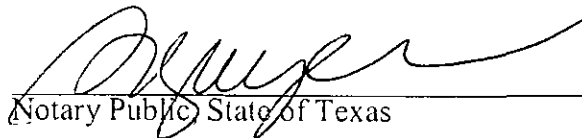
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COUNTY OF TRAVIS

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This instrument was acknowledged before me on this the 19th day of November 2007, by Kevin Nguyen, as Authorized Agent of Ly and Nguyen Partners, LLC, a Texas limited liability company, General Partner of Austin Ly and Nguyen, L P , a Texas limited partnership, on behalf of the limited liability company and the limited partnership




Notary Public, State of Texas

THE STATE OF TEXAS

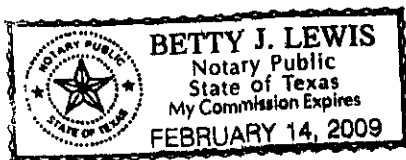
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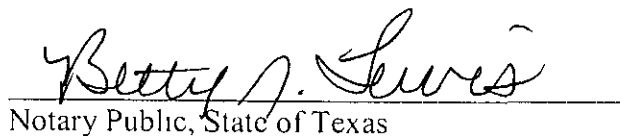
COUNTY OF TRAVIS

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This instrument was acknowledged before me on this the 4th day of December, 2007, by Laura J. Huffman, as Assistant City Manager of the City of Austin, a municipal corporation, on behalf of said municipal corporation




Notary Public, State of Texas

AFTER RECORDING RETURN TO.

City of Austin Law Department
P O Box 1088
Austin, Texas 78767
Attn Diana Minter, Paralegal

EXHIBIT "A"

BEING A 18.982 ACRE TRACT OF LAND OUT OF THE ALEXANDER WALTERS SURVEY NO. 67, IN TRAVIS COUNTY, TEXAS, BEING A PORTION OF THE REMAINDER OF A 149.591 ACRE TRACT AS RECORDED IN VOL. 12038, PG. 1581, REAL PROPERTY RECORDS, TRAVIS COUNTY, TEXAS. SAID 18.982 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a ½" iron rod set on the East R.O.W. line of Harris Ridge Boulevard, being the Southwest corner of Lot 1, Block 13, of Harris Ridge, Phase I, Section II, as recorded in Vol. 86, Pg. 125A-125C, Plat Records, Travis County, Texas, also being the Northernmost corner and the **POINT OF BEGINNING** of the herein described tract.

THENCE S 48°56'26"E, with the South line of said Lot 1, Block 13, same being a North line of the remainder of said 149.591 acre tract for a distance of 107.00 feet to a ½" iron rod set for the Northeast corner of the herein described tract, same being the Northwest corner of Lot 7, Block E, of Harris Ridge, Phase 3, Section 3, as recorded in Vol. 102, Pg. 184, Plat Records, Travis County, Texas, same being the Northwest corner of a called 0.8925 acre tract of land as described in Vol. 12130, Pg. 2405, of the Real Property Records of Travis County, Texas, from which a ½" iron rod found at the Northeast corner of said 0.8925 acre tract, same being on the East line of the aforementioned 149.591 acre tract bears S 48°56'26" E, 18.55 feet.

THENCE S 24°05'47"W (BEARING BASIS), along the West line of said Block E of Harris Ridge Phase 3, Section 3, passing a ½" iron rod found at the common North corner of Lots 6 and 7, Block E of said Subdivision at a distance of 0.92 feet, at 461.60 feet pass a ½" iron rod found for the Northwest terminus of Josh Ridge Boulevard and the Southwest corner of Lot 4, Block E, of said Subdivision, at 541.60 feet pass the Southwest Terminus of Josh Ridge Boulevard, same being the Northwest corner of Lot 25A, Amended Plat of Lots 25, 26, and 27, Block A, Harris Ridge Phase 3, Section 3, as recorded in Document No. 200000036, Plat Records, Travis County, Texas, and continuing for a total distance of 1418.10 feet to a capped iron rod found at an angle point of said Lot 25A, for the Southeast corner of the herein described tract.

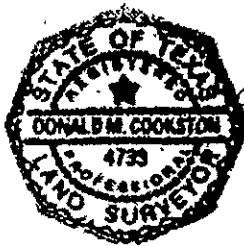
THENCE N 60°36'33"W, with the North line of Lots 27A and 26A of said Amended Plat of Lots 25, 26, and 27, Block A, Harris Ridge Phase 3, Section 3, for a distance of 350.46 feet to a ½" iron rod found on the curving North right-of-way line of East Farmer Lane (200' R.O.W.) same being the most Westerly corner of said Lot 26A and an angle point in the South line of the herein described tract.

THENCE along the Northeast curving line of said East Parmer Lane, being along a curve to the left having a radius of 2009.86 feet, an arc distance of 442.90 feet and a chord that bears N 47°51'40" W a distance of 442.00 feet to a ½" iron rod found for a point of reverse curvature at the intersection of the East line of Harris Ridge Boulevard.

THENCE along the East right-of-way line of Harris Ridge Boulevard (90' R.O.W.) the following four (4) courses:

- 1) Along a non-tangent curve to the right having a radius of 25.00 feet, an arc distance of 37.76 feet and a chord that bears N 10°55'39"W a distance of 34.27 feet to a ½" iron rod set at point of tangency.
- 2) N 32°35'51"E for a distance of 359.87 feet to a ½" iron rod set at the beginning of a curve to the right.
- 3) Along said curve to the right having a radius of 1090.59 feet, an arc length of 772.43 feet and a chord that bears N 52°53'16"E a distance of 756.39 feet to a ½" iron rod set at a point of tangency.
- 4) N 73°10'42"E for a distance of 356.07 feet to the **POINT OF BEGINNING** to the herein described tract and containing 18.982 acres of land, more or less.

07/03/06
J.No.06-0164



Donald M. Cookston
Donald "Man" Cookston
Registered Professional Land Surveyor No. 4733

Recorder's Memorandum-At the time of recordation this instrument was found to be inadequate for the best reproduction, because of illegibility, carbon or photocopy, discolored paper, etc. All blockouts, additions and changes were present at the time the instrument was filed and recorded

FILED AND RECORDED

OFFICIAL PUBLIC RECORDS

Dana DeBeauvoir

2006 Aug 21 03 33 PM

2006160948

FERGUSON \$28.00

DANA DEBEAUVOIR COUNTY CLERK
TRAVIS COUNTY TEXAS

